IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 417 OF 2005

Shri Vassudev B. Prabhu
Verlekar and others. ... Petitioners

versus

The Chief Secretary
and another. ... Respondents

Mr. M. S. Usgaonkar, Senior Advocate with Mr. Sudin Usgaonkar, Advocate for the Petitioners.

Mr. S. S. Kantak, Advocate General with Ms. G. Bhonsle, Additional Government Advocate for the State.

Mr. V. R. Tamba, Advocate for the Intervenor.

CORAM : D. D. SINHA &
N. A. BRITTO, JJ.

DATE : 30TH NOVEMBER, 2005.

P.C.:-

Heard Mr. M. S. Usgaonkar, the learned Senior Counsel for the Petitioners and Mr. S. S. Kantak, the learned Advocate General for the State.

This Writ Petition is directed against the impugned Order dated 28-10-2005 by the Government of Goa, whereby the

Managing Committee of Devasthan of Shri Devki-krishna Ravalnath was dissolved.

The learned Advocate General makes a categorical statement that without prejudice to the rights of the parties, the impugned Order shall be withdrawn forthwith by the State Government. Show Cause Notice shall be issued forthwith to the Petitioners on the basis of the inquiry conducted, as to why the Managing Committee of the Devasthan should not be dissolved.

It is further contended that seven days time shall be given to the Petitioners to submit reply to the Show Cause Notice and the entire proceedings pursuant to the said Show Cause Notice shall be completed within a period of three weeks from the date of issuance of the Show Cause Notice.

Mr. M. S. Usgaonkar, the learned Senior Counsel does not have any objection in this regard. However, has prayed that if the Order passed by the State Government pursuant to the fresh Show Cause Notice is adverse to the Petitioners, the State Government may be directed that the said Order may not be

given effect to for a period of one week from the date of communication of the Order.

We have considered the contentions canvassed by the learned Counsel for the Petitioners as well as by the learned Advocate General for the State. Since the matter is required to be reconsidered by the State Government, we do not want to express at this stage anything on one way or the other on the merit of the matter and we leave it to the State Government to decide the same, after issuance of the fresh notice on the basis of the inquiry report. Since a specific statement is made by the learned Advocate General that the inquiry and the proceedings pursuant to the fresh Show Cause Notice shall not be concluded within a period of one week no specific order is necessary. However, if the Order passed by the State Government is adverse to the Petitioners, the same may not be given effect to for a period of one week from the date of communication of the Order to the Petitioners. The issues raised in this Petition are kept open. The learned Advocate General also stated that though the Order impugned shall be withdrawn by the State Government, however, the Administrator who is already appointed and looking after the affairs of the Devasthan shall continue to do so and if the Order passed by the State Government is in favour of the Petitioners in that case, the tenure of the Administrator shall automatically come

to an end. Mr. Usgaonkar, the learned Senior Counsel also agreed to the said interim arrangement till the decision is taken by the State Government.

With these observations, Writ Petition is disposed of.

Authenticated Copy of the Order be given to the learned Advocate General.

D. D. SINHA, J.

N. A. BRITTO, J.

RD.